

Service Date: March 5, 1991

DEPARTMENT OF PUBLIC SERVICE REGULATION
BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MONTANA

* * * * *

IN THE MATTER OF The Applications for)	
Approval of (A) the General Filing of)	UTILITY DIVISION
Pacific Power & Light Company in)	
Demonstration of One Test Year as a)	
Merged Company and (B) Proposed New)	DOCKET NO. 90.11.78
Tariff, Schedule No. 47T, on the PP&L/)	
Champion International Inc. Electric)	ORDER NO. 5538b
Service Contract.)	

ORDER COMPELLING PRODUCTION FOR AUDIT EXAMINATION

FINDINGS OF FACT

BACKGROUND

On February 6, 1991 Staff of the Montana Public Service Commission (Commission) informed Pacific Power & Light Company (PP&L, Applicant or Company) that Staff would conduct an on-site audit in Portland, Oregon February 18-22, 1991 relevant to Docket No. 90.11.78 and to overall operations of PP&L and its subsidiaries.

PP&L initially refused to provide requested material for Northwest Telephone, Inc. (NWT), Pacific Telecom and NERCO, Inc., subsidiaries of PP&L.

On Thursday afternoon, February 21, 1991, PP&L's counsel informed Commission Staff that NWT and Pacific Telecom's material would be made available.

NERCO's material, including Board of Director's minutes, however, would not be made available.

Commission staff informed PP&L that there was not sufficient time to examine those materials made available and a return trip was necessary. Further, PP&L was informed that it was essential that Staff also examine NERCO's materials.

PP&L's counsel, at the request of Commission Staff, sent a letter received February 27, 1991 expressing NERCO's unwillingness to allow examination of materials. As PP&L had offered on February 21, PP&L again offered to have NERCO's counsel screen the materials and offer screened information NERCO deemed relevant to PP&L's electric operations.

COMMISSION ACTION

On February 28, 1991 at a duly scheduled public work session, the Commission voted to compel PP&L to allow examination of NERCO's materials as deemed necessary by Commission Staff. The Commission determined that NERCO's concerns would be satisfactorily met by the protective order in this docket.

CONCLUSIONS OF LAW

The Montana Public Service Commission is invested with supervision and regulation of public utilities, subject to the provisions of Title 69, Montana Code Annotated (MCA) § 69-3-102, MCA.

Pacific Power & Light Co. is a public utility subject to the Commission's jurisdiction for its operations in Montana.

The Commission is empowered to do all things necessary and convenient in the exercise of its powers conferred by Title 69. § 69-3-103, MCA.

The Commission has the authority to inquire into the management of the business of the public utility, to keep itself informed and to obtain all necessary information from the utility. § 69-3-106, MCA.

The Commission has the power to require a utility to furnish or allow examinations of books, accounts, records or papers relating to the business of a public utility, subject to a penalty for refusal of \$1,000 per day per violation. §§ 69-3-106 and 69-3-206, MCA.

ORDER

THE COMMISSION THEREFORE ORDERS the following:

1. Pacific Power and Light Company shall furnish the Commission and its Staff any and all books, accounts, records and papers relating to NERCO, as determined necessary by Staff, as well as all such documents related to Pacific Telephone Company and Northwest Telephone, Inc.
2. A refusal to permit examination will subject PP&L to penalties as provided in § 69-3-206, MCA.
3. Pacific Power and Light Company shall have the remedy of a protective order for any information claimed to be confidential.

DONE AND DATED this 28th day of February, 1991 by a vote of 3-0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION

HOWARD L. ELLIS, Chairman

DANNY OBERG, Vice Chairman

BOB ANDERSON, Commissioner

ATTEST:

Ann Peck
Commission Secretary

(SEAL)

NOTE: Any interested party may request that the Commission reconsider this decision. A motion to reconsider must be filed within ten (10) days. See ARM 38.2.4806.